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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,991	02/01/2002	Takehiko Nakano	09812.0178-00000	2851

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

CHOWDHURY, NIGAR

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/062,991

Applicant(s)

NAKANO, TAKEHIKO

Examiner

Nigar Chowdhury

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on 07/25/2006 have been fully considered but they are not persuasive.

In re page 12-13, applicant argues that Jerding does not disclose "content recording means for recording content received from the outside", "content reproduction means for reproducing said recorded content", and "with said viewable period of said recorded content". Jerding merely discloses a "the user may rent and view a MOD title for a predetermined duration of time. The user may fast-forward, rewind, play, pause, and stop the video" but there is no teaching of record the video.

In response, the examiner respectfully disagrees. Jerding discloses from Col. 4 lines 1-18, that "Fig. 1 is a block diagram of a cable television system 10 including a headend 11 for receiving television signals, such as satellite subscriber equipment such as DHCTs 16, cable-ready television sets, video recorders, or computers....multiple DHCTs 16.". In order to receive MOD (media-on-demand) service, program should be recorded somewhere. If there is recorder to record program, program can be reproduce from recorder. Viewer selects their "viewable period". When viewer is turning off or on the TV monitor, between on & off time is viewable period.

In re page 13, applicant also argues that "there is no teaching that the video recorder is used in conjunction with the rental of MOD title or that the video recorder records a MOD title".

In response, the examiner respectfully disagrees. The specification is not the measure of invention. Therefore limitations contained therein can not be read into the claims for the purpose of avoiding the prior art. In re Sporck, 55 CCPA 743, 386 F. 2d 924, 155 USPQ 687 (1968)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,010,801 by Jerding et al. as set forth in the last office action.
2. Referring claim 1, a content recording/reproducing apparatus for controlling the recording and reproducing of content limited in viewable period, comprising:

- Content recording means for recording content received from the outside (Fig. 1, Col. 4 line 1-18)
 - Determination means for determining a viewable period of the recorded content (Fig. 19, Col. 25 line 16-40)
 - Presentation means for presenting information associated with viewable period of recorded content (Fig. 19, Col. 25 line 16-40)
 - Content reproduction means for reproducing recorded content (Fig. 3, Col. 5 line 44-55. Fig. 19, Col. 25 line 16-40)
 - Reproduction control means for controlling a reproducing operation of content reproduction means in accordance with viewable period of recorded content (Fig. 3, Col. 5 line 44-55. Fig. 19, Col. 25 line 16-40).
3. Referring claim 2, the content recording/reproducing apparatus according to claim 1, determination means determines viewable period of content on the basis of a recording retention period unique to each content (Fig. 19, Col. 25 line 16-40).
4. Regarding claim 3, the content recording/reproducing apparatus according to claim 2, determination means determines viewable period of content on the basis of a period of time from at least one of a point of time at which the distribution of content is started and a point of time at which at least one of the reception and recording of content is started by content recording means to a point of time at which recording retention period given to content passes (Fig. 19, Col. 25 line 16-40).

5. Referring claim 4, the content recording/reproducing apparatus according to claim 2, determination means determines viewable period of content on the basis of a period of time from a point of time at which the reproduction of content is first started by content reproduction means to a point of time at which recording retention period given to content passes (Fig. 19, Col. 25 line 16-40).

6. Regarding claim 5, the content recording/reproducing apparatus according to claim 1, presentation means presents information associated with viewable period of recorded content by superimposing information on a reproduction signal of content generated by content reproduction means (Fig. 19, Col. 25 line 16-40. Fig. 15, Col. 23 line 50-55).

7. Referring claim 6, the content recording/reproducing apparatus according to claim 1, presentation means presents information associated with viewable period of recorded content through an output device different from a reproduction output device of content (Fig. 19B, Col. 25 line 29-33. In figure 272 is showing the viewable period of recorded content and 274 is showing the reproduction in two different windows).

8. Regarding claim 7, the content recording/reproducing apparatus according to claim 1, presentation means transmits information associated with viewable period of recorded content to a predetermined communication path (Fig. 3, Col. 5 line 44-67).

9. Referring claim 8, the content recording/reproducing apparatus according to claim 1, reproduction control means prohibits the reproduction of the content of which viewable period has passed, by content reproduction means (Fig. 19, Col. 25 line 16-40).

10. Regarding claim 9, the content recording/reproducing apparatus according to claim 1, further comprising:

- Control input means for accepting user command input (Fig. 3, Col. 6 line 16, 17)
- In response to an instruction for moving a content viewing start position through control input means, reproduction control means instructs content reproduction means to move a content viewing position and presentation means presents information associated with the viewable period of the reproduced content (Fig. 19, Fig. 20. Col. 26 line 34-39).

11. Referring claim 10, the content recording/reproducing apparatus according to claim 1, further comprising:

- Control input means for accepting user command input (Fig. 3, Col. 6 line 16, 17)
- In response to an instruction for clearing a viewing pause operation through control input means, presentation means presents information associated with viewable period of content, and if viewable period of

content has not been passed, reproduction control means instructs content reproduction means to start reproducing content(Fig. 19, Fig. 20. Col. 26 line 40-51).

12. Regarding claim 11, the content recording/reproducing apparatus according to claim 1, in response to the expiration of said viewable period of content in a viewing paused state, reproduction control means starts reproducing content in the viewing paused state regardless of a user instruction for clearing said viewing paused state (Fig. 15, Col. 23 line 46-55).

13. Regarding claim 12, the content recording/reproducing apparatus according to claim 1, in response to the expiration of viewable period of content in a viewing paused state, reproduction control means starts reproducing content in the viewing paused state regardless of a user instruction for clearing viewing paused state (Fig. 15, Col. 23 line 46-55) and presentation means presents an elapsed time from the start of the reproduction of content and/or information indicative of the expiration of said viewable period (Fig. 19, Col. 25 line 16-40).

14. Method claims 13-24 are rejected for the same reason as discussed in the corresponding apparatus claims 1-12 respectively.

15. Claims 25, 26 are rejected for the same reason as discussed in the corresponding apparatus claim 1 above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NC

10/10/2006



THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600